

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

DAMIAN STINNIE, MELISSA ADAMS, and ADRAINNE JOHNSON, individually, and on behalf of all others similarly situated; WILLIEST BANDY, and BRIANNA MORGAN, individually, and on behalf of all others similarly situated,

Plaintiffs,

v.

RICHARD D. HOLCOMB, in his official capacity as the Commissioner of the VIRGINIA DEPARTMENT OF MOTOR VEHICLES,

Defendant.

Civ. No: 3:16-cv-00044

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Damian Stinnie, Melissa Adams, Adrainne Johnson, Williest Bandy and Brianna Morgan, move the Court to order preliminary injunctive relief. Plaintiffs ask the Court to (1) enjoin the Commissioner from enforcing Section 46.2-395 against Plaintiffs and the Future Suspended Class Members without notice and determination of ability to pay; (2) remove any current suspensions of the Plaintiffs' driver's licenses imposed under Section 46.2-395; and (3) enjoin the Commissioner from charging a fee to reinstate the Plaintiffs' licenses if there are no other restrictions on their licenses.

The Court should award this relief. Plaintiffs are likely to succeed on the merits of their claims asserting constitutional injury; Plaintiffs have suffered and will continue to suffer

irreparable harm without preliminary injunctive relief; the equities weigh in Plaintiffs' favor; and the public interest counsels in favor of issuing a preliminary injunction.

The arguments for and scope of this relief are more fully set forth in the accompanying memorandum in support of this motion, and those arguments are incorporated here. *See* Local Civil Rule 11(c)(1). Plaintiffs ask this Court to grant this motion, enter the proposed order attached to this motion as Exhibit 1, and afford all other appropriate relief.

Date: September 11, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2018, I electronically filed the foregoing Memorandum of Law in Support of Plaintiffs' Motion for Class Certification with the Clerk of Court using the CM/ECF System, which will send a notification of such filing to the following CM/ECF participants:

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